REMARKS

Claims 1-7, 9-15 and 17-34 were pending prior to this amendment. Claims 1-7, 9-15 and 17-34 were rejected. Claims 1, 9-12, 14, 17, 20, 29-32, and 34 have been amended. New claims 35-40 have been added. Applicant requests reconsideration and allowance of all pending claims.

Telephone interview summary

A telephone interview was conduet on December 5, 2007 betwcen Attorney Michael Cofield and Examiner Worku. During the telephone meeting, an agreement was reached that at least "wherein the scanning device is configured to adjust a period of the shift signal *based at least in part on a speed of reading the data by the computer*", as recited in claim 23, is not disclosed is in Shinskey, which is the cited art relied upon by the Office Action to teach this feature.

Claim Rejections - 35 U.S.C. § 103

Claims 1-7, 9-15 and 17-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinsky et al. (U.S. Patent 6,285,398) in view of Makino (U.S. Patent 4,786,933).

As discussed above, claim 1 includes the feature of "adjusting a period of the shift signal based at least in part on a speed of reading the data by the computer".

Shinskey discloses a scanner 100 having a timing chip 14 that outputs a clocking signal to the CCD 12. *See* FIG. 3. The Office Action assumes that the output clocking signal has a period, and then makes the logical leap that Shinskey discloses adjusting this assumed period.

The portion of Shinskey relied upon to make the above-described logical leap is col. 1, line 33, where Shinskey states that the timing chip 14 "provides a clocking signal to the CCD 12". The Examiner is apparently arguing that, at the instant the timing chip 14 is powered to provide the constant clocking signal, the timing chip 14 is also adjusting the signal by bringing the signal into existence. This argument is mistaken because there is no signal at the instant before the signal is brought into existence; therefore, there is nothing to be adjusted.

Providing a clocking signal is not adjusting a shift signal for the reasons explained above, and even if it were, providing a clock signal is not adjusting the period of a shifting signal. Shinskey does not disclose adjusting the period of any signal, let alone adjusting the period of the clocking signal output from the clocking chip 14. Therefore, Shinskey does not disclose "adjusting a period of the shift signal".

Even if Shinskey did disclose adjusting a period of the timing signal output from the clocking chip 14, as stated in the interview summary section, the Examiner agreed during the telephone interview that Shinskey does not disclose adjusting said period *based at least in part on a speed of reading the data by the computer*. Thus, Shinskey does not disclose "adjusting a period of the shift signal based at least in part on a speed of reading the data by the computer". Thus, since the rejection described in the Office Action relies on Shinskey for this feature, the rejection should be withdrawn.

Although the rejection should be withdrawn because it was agreed that Shinskey does not disclose the claimed feature as described above, in the interest of furthering prosecution, Applicant notes that Makino also fails to disclose this feature. Makino shows waveforms representing image signals output from the CCD 5 in the FIGS. 3-6; however, none of these waveforms illustrates periods being adjusted. Even if the waveforms did show adjusted periods (which they do not), any such adjust periods are not adjusted *based at least in part on a speed of reading the data by a computer*.

In contrast, claim 1 recites "adjusting a period of the shift signal based at least in part on a speed of reading the data by the computer". Thus, since claim 1 includes features not disclosed in the cited art of record, claim 1 should be allowed.

It is noted that Shinskey not only fails to disclose the features of claim 1 as discussed above, Shinskey also teaches away from any modification to include those and other features of claim 1. For example, claim 1 includes the feature of "transmitting data for each pixel of a scan line to the computer via a shift signal *without storing the data in a memory buffer of the scanning apparatus*". The FIG. 3 of Shinskey shows that a sample and hold analog to digital convertor 16 processes the data output from the CCD 12 before such data is transferred to the computer 200. Because the convertor 16 is a sample and hold type, the scanner 100 does include a memory buffer on a path for the transferred data.

Although Shinskey does not state explicitly that the hold functionality of the convertor 16 is actually utilized in operation of the scanner 100, it seems likely that it is given that the FIG. 3 illustrates to the hold functionality of the convertor 16. In any case, the burden required for the Examiner to make the argument that the hold functionality of the convertor 16 goes unutilized during operation of the scanner 100 cannot be met. *See* MPEP 2112, paragraph IV, "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." Thus, for this addition, claim 1 distinguishes Shinskey and should be allowed. Claims 2-7, being dependent, include the same features as claim 1 and thus should be allowed for at least the same reasons above. Claims 9-15 and 17-40 include at least some of the novel and non-obvious features discussed above and thus should be allowed for at least some of the reasons discussed above.

Conclusion

For the foregoing reasons, reconsideration and allowance of all pending claims of the application as amended is requested. The examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

Customer No. 73552

Respectfully submitted,

STOLOWITZ FORD COWGER LLP

Michael A. Cofield
Reg. No. 54,630

STOLOWITZ FORD COWGER LLP
621 SW Morrison Street, Suite 600
Portland, OR 97205
(503) 224-2170